

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6629 of 1985

Date of decision: 3-12-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAFATLAL MANEKLAL SHAH

Versus

BIPINCHANDRA MANGALDAS

SHROFF & COMMISSION AGENT

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Appearance:

None present for Petitioner

Mr. Nandish Chudgar for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/12/97

ORAL JUDGEMENT

The matter was called out for hearing in the first round, second round and lastly in the third round. But none put appearance for the petitioner. Perused the special civil application and heard the learned counsel for the respondent.

2. Challenge has been made by the petitioner in this special civil application to the order dated 31st July, 1985 of the Labour Court, Nadiad, passed in Recovery Application No.251 of 1983 (Old No.1724 of 1982) filed by the petitioner under section 33(C)(2) of the Industrial Disputes Act, 1947. Claim has been made by the petitioner for the salary for the period of about 37 months from 1-6-1972 to 25-7-1973, amounting to Rs.7664.66 ps. He further prayed for the amount for computation of 63 days' privilege leave. Both the claims of the petitioner have not been accepted by the Labour Court. After going through the judgment and order of the Labour Court, I do not find any illegality therein which calls for interference of this Court.

3. Claim has been made by the petitioner for arrears of salary for the period from 1-6-1972 to 5-7-1973, and recovery application has been filed in the year 1982, i.e. after 12 years from the first month of the claim of salary and after about 9 years from the last month of the claim. This delay on the part of the petitioner to file application for recovery has rightly been taken to be serious in the present case. Delay of such a long period has not been explained by the petitioner, and in these circumstances of the case if claim of the petitioner has not been accepted, it cannot be said that the Labour Court has committed any illegality, much less the judgment is perverse on the face of it.

4. In the result the special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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